



02-03-05

RCE
JW

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

| | |
|----------------------|--------------------|
| Application No. | 10/017,148 |
| Filing Date | December 14, 2001 |
| First Named Inventor | Jennings |
| Group Art Unit | 2671 |
| Examiner Name | Nguyen, Kimbinh T. |
| Attorney Docket No. | SNS-009B |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

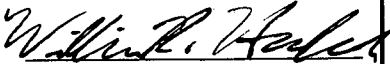
- a. ☒ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on September 17, 2004 (copy enclosed).
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____.
- c. ☐ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☐ Information Disclosure Statement (IDS) enclosed.
- i. ☐ PTO-1449
- ii. ☐ Copies of IDS Citations
- f. ☐ Other _____

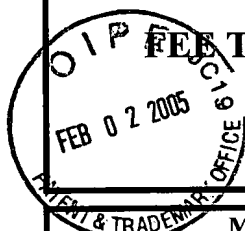
2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Small entity status
- i. ☒ was established in the prior nonprovisional application.
- ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☒ A Petition and Fee for Extension of Time for 1 month up to and including 2/4/05 is enclosed herewith. Applicants filed a complete reply to the final Office action within 2 months of the mailing date of the final Office action (Final action dated 8/4/04, reply dated 9/17/04). Thus, under MPEP 706.07(f), Applicants believe the shortened statutory period (SSP) for reply expires as of the mailing date of the advisory action (advisory action dated 1/10/05), and a one-month extension is required for filing this RCE on 2/2/05.
- c. ☒ A check in the amount of \$455.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$____, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☒ Other: Fee Transmittal Form.

| CORRESPONDENCE ADDRESS | SIGNATURE BLOCK |
|--|--|
| <p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p> | <p>Respectfully submitted,</p> <p> William R. Haulbrook, Ph.D. Attorney for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p> <p>Date: February 2, 2005 Reg. No. 53,002 Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100</p> |



FEE TRANSMITTAL FY 2005

Complete if Known

| | |
|---------------------------|--------------------|
| Application Serial Number | 10/017,148 |
| Filing Date | December 14, 2001 |
| First Named Inventor | Jennings |
| Group Art Unit | 2671 |
| Examiner Name | Nguyen, Kimbinh T. |
| Attorney Docket No. | SNS-009B |

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

FEE CALCULATION

1. FILING/SEARCH/EXAM/SIZE FEES

Large Entity

| Fee (\$) | Fee Description | Fee Paid |
|----------|--|----------|
| 300 | Utility filing fee | |
| 500 | Utility search fee | |
| 200 | Utility exam fee | |
| 250 | Utility size fee (each add'l 50 pgs. over 100) | |
| 200 | Design filing fee | |
| 100 | Design search fee | |
| 130 | Design exam fee | |
| 250 | Design size fee (each add'l 50 pgs. over 100) | |

| | Number Filed | Number Extra | Rate | Amount |
|--------------------|--------------|--------------|--------------|--------|
| Total Claims | - 20 = | | x \$ 50.00 = | |
| Independent Claims | - 3 = | | x \$200.00 = | |

☐ Multiple Dependent Claim(s), if any \$360.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

| Claims Remaining After Amend. | Highest No. Previously Paid For | Present Extra | Rate | Fee Paid |
|--|---------------------------------|---------------|---------------|----------|
| Total | - = | | x \$ 50.00 = | |
| Indep. | - = | | x \$ 200.00 = | |
| <input type="checkbox"/> First Presentation of Multiple Dep. Claim | | | + \$ 360.00 = | |

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | Request for ex parte reexamination | |
| 120 | 60 | Extension for reply within first month | 60.00 |
| 450 | 225 | Extension for reply within second month | |
| 1020 | 510 | Extension for reply within third month | |
| 1590 | 795 | Extension for reply within fourth month | |
| 2160 | 1080 | Extension for reply within fifth month | |
| 500 | 250 | Notice of Appeal | |
| 500 | 250 | Filing a brief in support of an appeal | |
| 1000 | 500 | Request for oral hearing | |
| 400 | 400 | Petitions to the Commissioner (Gp. I) | |
| 200 | 200 | Petitions to the Commissioner (Gp. II) | |
| 130 | 130 | Petitions to the Commissioner (Gp. III) | |
| 180 | 180 | Submission of Information Disclosure Statement | |
| 790 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 790 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 100 | 100 | Certificate of Correction for applicant's error | |
| 130 | 65 | Submission of Terminal Disclaimer | |
| Other fee (Specify) | | Request for Continued Examination (RCE), small entity | 395.00 |
| Other fee (Specify) | | | |

SUBTOTAL (3) (\$) 455.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 455.00

TOTAL (\$) 455.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

William R. Haulbrook
 William R. Haulbrook, Ph.D.
 Attorney for the Applicants
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110

Date: February 2, 2005
 Reg. No.: 53,002
 Tel. No.: (617) 310-8427
 Fax No.: (617) 248-7100